

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MARK LEVINSON and ANNETTE FARAGLIA,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **23-012**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on March 21, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on March 10, 2023 to Jon and Paula Paulsen, of an Alteration Permit (add a ten foot cable fence) at 1462 lake street.

APPLICATION NO. 2023/02/23/2472

FOR HEARING ON May 10, 2023

Address of Appellant(s):

Address of Other Parties:

Mark Levinson and Annette Faraglia, Appellant(s)
1448 Lake Street
San Francisco, CA 94118

Jon Paulsen and Paula Paulsen, Permit Holder(s)
c/o Ive Hangeland, Agent for Permit Holder(s)
Shades of Green Landscape Architecture
1306a Bridgeway Blvd.
Sausalito, CA 94965



Date Filed: March 21, 2023

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 23-012

I / We, **Mark Levinson and Annette Faraglia**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2023/02/23/2472** by the **Department of Building Inspection** which was issued or became effective on: **March 10, 2023**, to: **Jon Paulsen and Paula Paulsen**, for the property located at: **1462 Lake Street**.

BRIEFING SCHEDULE:

The Appellants may, but are not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellants' Brief is due on or before: 4:30 p.m. on **April 20, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, tina.tam@sfgov.org, corey.teague@sfgov.org, ive@shadesofgreen.com and aswooley@yahoo.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **May 4, 2023, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, tina.tam@sfgov.org, corey.teague@sfgov.org and mark@markallanlevinson.com.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, May 10, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

This fence is blocking our light.

Appellant or Agent:

Signature: Via Email

Print Name: Mark Levinson, appellant

Permit Details Report

Report Date: 3/21/2023 1:51:29 PM

Application Number: 202302232472
 Form Number: 8
 Address(es): 1343/009/0 1462 LAKE ST
 Description: ADDING A 10' CABLE FENCE ON THE PROPERTY
 Cost: \$4,000.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
2/23/2023	TRIAGE	
2/23/2023	FILING	
2/23/2023	FILED	
3/10/2023	APPROVED	
3/10/2023	ISSUED	

Contact Details:

Contractor Details:

License Number: 931447
 Name: ADAM WOOLEY
 Company Name: WOOLEY LANDSCAPES
 Address: 285 GRAND VIEW AVE APT 2 * SAN FRANCISCO CA 94114-0000
 Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	2/23/23	2/23/23			2/23/23	CHENG ANITA	
2	BID-INSP	2/23/23	2/23/23			2/23/23	NG JOE	
3	CP-ZOC	2/23/23	2/23/23			2/23/23	PANTOJA GABRIELA	Approved the construction of 10' cable rail fence along east property line, outside front setback. GP 2/23/2023
4	BLDG	2/23/23	2/23/23			2/23/23	HUANG VIVIAN	
5	CPB	3/10/23	3/10/23			3/10/23	YU ZHANG REN	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking home page.](#)

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BRIEF SUBMITTED BY THE APPELLANT(S)

APPELLANTS' BRIEF

APPEAL NO. 23-012

LEVINSON VS. DBI, PDA

SUBJECT PROPERTY: 1462 LAKE STREET

PERMIT TYPE: ALTERATION PERMIT

PERMIT NO. 2023/02/23/2472

Mark Levinson and Annette Faraglia, (“Appellants”), the property owners and residents at 1448 Lake Street, are filing this Appellant Brief because the property owners of 1462 Lake Street, Jon and Polly Paulsen, (“the Paulsens”) have constructed a ten-foot metal and cable rail fence that blocks the light from Appellants' home. On the side of Appellants house, where the ten-foot fence has been constructed, the Appellants have only one window. Two of the fence's ten-foot metal poles, the horizontal bar across the top of the fence, and its cable railings are visible from Appellants dining room table, as well as Appellants living room. The Paulsens are planting vines and various plants that will climb up the poles, cables, and the upper bar. This will become a wall of foliage blocking Appellants window.

Appellants want to inform the Board that the Permit for the ten-foot cable rail fence was issued on March 10, 2023, however, the Paulsens began construction of the fence in late January 2023.

Without speaking to Appellants, the Paulsens started to place metal poles into the ground, approximately seventeen inches from the side of Appellants house. According to the Paulsens, the fence is on their property at the property line. Appellants obtained

information about the construction by observing the placement of the poles and speaking with the Paulsens' Contractor, Adam Wooley of Wooley Landscapes, (sometimes referred to herein as “the Contractor”) and also the Contractor's employee who was supervising the job. Appellants then spoke with Jon Paulsen saying that they did not believe that the Paulsens could legally install a ten-foot metal and cable fence next to Appellants house because it blocked the Appellants light. Also, in addition to blocking the light, the vines and other foliage, some already planted by the Paulsens, would grow through the cables and make it difficult for the Appellants to access the side of their house. Mr. Paulsen stated that the fence was on his property so he was permitted to construct it, and the Appellants became concerned. Appellants note that there had been some prior discussion about the Paulsens, or the Appellants, building a fence along the property line that would be a continuation of the existing backyard fence. However, there was never a discussion of a ten-foot metal fence. When Appellants reached out to Mr. Paulsen, construction had already begun so Appellants *assumed* that the Paulsens had a received a Permit to build the fence. The Appellants asked that the fence not be higher than six-feet so their window would not be impacted, Mr. Paulsen refused and informed the Appellants that the fence would be ten-feet high. Mr. Paulsen then said it was not a fence but rather a lattice or a trellis – obviously, we disagreed. Appellants then asked that if the Paulsens insisted on a ten-foot fence fence would the Paulsens place the poles several feet from our one window so our light would not be impacted. Mr. Paulsen did not specifically respond to this request but said that the fence's metal poles and foliage would not block Appellants window. That is not true. One pole is a few inches to the right of Appellants window and another pole is a few inches to the left. The two vertical poles, cables and the upper

horizontal pole, are visible from inside Appellants house, and these structures, are already impacting Appellants' light. Our window is only fourteen inches high by forty-two inches long. Throughout the day, as the sun moves, light comes in from each side of the window. Light doesn't only enter when the sun is shining directly through the center of the window. The Paulsens' ten-foot metal fence poles, the cables and vines will block Appellants' light. These structures do not need to be directly in front of Appellants' window to block the light. We tried to explain this to Mr. Paulsen but to no avail.

Consequently, Appellants contacted a City Inspector to ask if this sort of structure was allowed. Appellants understand that Inspectors are very busy, and no one was available to come to 1462 Lake Street until March. When Brett Howard, Senior Building Inspector, came to the premises we asked him to come into our home at 1448 Lake Street so he could see that poles and cables were visible from Appellants' living and dining rooms. The Inspector advised Appellants that the Paulsens' Permit for the ten foot fence had only been issued on March 10, 2023. The issuance of the Permit on March 10, 2023 was a surprise because Appellants were under the impression that the Paulsens already had a Permit for the construction of the fence since they began building it in late January. The Inspector told Appellants that, even though the Paulsens had basically completed their fence's construction in February, Appellants could still appeal the Permit because it was not issued until March 10, 2023.

There is a camellia tree that is located on the side of Appellants' house where the Paulsens have constructed their fence. The tree is by the one window located on that side of Appellants' house. Due to this year's abundance of rainfall, the tree is robustly blooming. In spite of the tree being the fullest we've ever seen, Appellants are still

getting filtered light through their side window. However, the Paulsens' fence is now visible through the branches of the camellia tree. The ten-foot metal posts are poking through the tree's branches on both sides of the window, as well as a large horizontal metal bar which is visible through the upper branches of the tree. These structures have already diminished our light. The foliage that the Paulsens have planted, plus the additional plants that they intend to plant, will grow through the Appellants tree branches and further block the light in their dining room. **Exhibit A** contains photos taken from our backyard. One shows the Paulsens' ten-foot fence and our side window. The other photo shows the comparison in size from the wooden backyard six-foot fence, a height Appellants agreed to with the Paulsens, and the ten-foot metal and cable rail fence which we strongly opposed. **Exhibit B** contains photos taken from inside our dining room showing where the poles and cables are visible through the branches of the tree.

Although not directly related to Permit No. 2023/02/23/2472 , which is the subject of this Appeal, Appellants believe it is important that the Board has accurate background information about certain experiences associated with previous Permits issued to the owners of 1462 Lake Street. These earlier Permits, issued in 2022, involved, among other things, the Paulsens replacing a staircase next to Appellants house, the installation of a hot tub/pool, construction of a new backyard fence, and extensive landscaping. Appellants believe the Application Number for these projects was 202201286947. As a result of these Permits, there has been construction over a period of approximately seven months that has impacted Appellants ability to quietly enjoy the privacy of their home.

The employees of the Paulsens Contractor, Adam Wooley Landscapes, have consistently accessed Appellants property - without notice or prior permission – and

damaged the side of Appellants home, placed structures on their property, and trampled newly planted rosemary bushes. When the Contractor removed the staircase at 1462 Lake Street, the side of Appellant house was damaged. Concrete was exposed, shingles were destroyed and were missing, and that portion of the house looked terrible for many months. See attached **Exhibit C** showing Appellants' damaged wall with exposed concrete. See attached **Exhibit D** which shows damage to the shingles and placement of a metal railing on Appellants property. See **Exhibits E and F** that show additional damage to Appellants home and garden. Also, the far North West wall that held up a portion of the front planter was destroyed.

The Contractor's workers used a portion of Appellants' front garden as a staging area. They also leaned their equipment against the side of our house. The Paulsens never asked permission to access our property for their construction projects or to use our front garden as a staging area and neither did the Contractor. When Appellants saw the workers, they were surprised but chose to be accommodating as Appellants did not want to stop the Paulsens from making improvements to their property. We never told the workers to leave our property, in retrospect we probably should have, however, we just asked them to be careful not to damage anything further. Unfortunately, the workers, among other things, placed their equipment on top of Appellants new rosemary bushes, walked and sat on the soil, and consequently damaged or killed several rosemary bushes. See attached **Exhibit G**.

Several structures had been placed on Appellants' property without their permission. For example, instead of repairing the side front of the garden wall with stucco to match Appellants' house, the workers installed a metal plate to match the

Paulsens side. The metal plate can be seen in **Exhibit G**. At one point, the heavy construction caused Appellants living room wall to violently shake causing a framed picture to fall off the wall, as well as several small framed pictures to fall off the fireplace mantle - it was nerve racking. The dirt, dust from drilling into concrete to remove the Paulsens' existing stairs and backyard structures, and the incessant noise was a constant disturbance to the Appellants during this construction. In addition, Appellants were never advised prior to the onslaught of the heavy construction. Appellant Annette Faraglia finally asked Mr. Paulsen to inform Appellants in advance of heavy construction work. Appellants were polite and courteous as they attempted to be good neighbors to the Paulsens, however, the noise, damages, disregard for Appellants' property and lack of notice continued. The one time we received notice was before the workers poured concrete but that was the only time.

Considering the damage that was taking place a forceful complaint should have been made by Appellants but Appellants chose not to do so as Appellants did not want to cause a disagreement with neighbors. Eventually, Appellants did speak to the construction workers who were very polite, and they apologized saying that their boss would repair all the damages. However, the situation became increasingly problematic. Appellants felt compelled to note that one of the Contractor's workers informed the Appellants that he had been instructed by the Paulsens not to speak to Appellants about the ongoing construction job. This was ironic because the worker, who is a very nice person, was literally standing on our property at the time.

Appellants notified the Paulsens' Contractor, Adam Wooley, by telephone, as well as texts and emails, that Appellants' property was being accessed - without permission -

damaged during the job, and that Mr. Wooley's employees had improperly placed structures on Appellants' property. In addition, Appellants asked Mr. Wooley what else they could expect to happen with the continuing construction and when they could expect the damages to be repaired. Mr. Wooley apologized for all of the problems that occurred during the construction work done by his employees, and he committed to make all of the necessary repairs, remove the improperly placed structures, and replace all of the trampled rosemary bushes. Recently, the Contractor and his employees finally repaired the damage to the side of Appellants home and removed most of the wrongly-placed structures although one still remains. The Paulsens never acknowledged or apologized for the lack of notice or damage that was caused to Appellants property by the construction of their many projects. Appellants were disappointed and realized their only avenue for information was to speak directly to the Contractor.

Also, regarding the ten-foot metal fence, that is the subject of this Appeal No. 23-012, the Contractor's workers again accessed Appellants' property to construct the Paulsens' fence but never asked permission. Appellants understand the Contractor's employees are hard working people and we respect them. We were always polite to them as we realize they were doing what they were instructed to do.

Last year, as part of the Paulsens' extensive renovations to their property, Jon Paulsen told Appellants that he wanted to tear down the existing fence, at his own cost, and pay for a new fence. Mr. Paulsen advised the Appellants that, because of all of the enhancements he planned to add to his home, he had commissioned a survey of his property. He informed the Appellants that the survey showed that the Paulsens owned a portion of Appellants property. Therefore, the new backyard six-foot fence that Mr.

Paulsen was having constructed would have to be moved past the current property boundary line to what the Paulsens stated was the “correct” boundary.

Appellants were very troubled by this development because the Appellants' backyard is not large, and, if the backyard fence were to be moved, it would damage Appellants small brick patio, require a lemon tree to be cut down and impact plants and old growth jasmine. Appellants then asked the Paulsens, specifically Jon Paulsen, if there was another way to resolve this boundary-line issue without moving the backyard fence, but Mr. Paulsen refused to do so insisting that the fence must be located on the “correct” property boundary line.

It became obvious to Appellants that, by simply looking at the survey, it was not possible to determine whether or not the Paulsens did in fact own a portion of the Appellants backyard. Consequently, Appellants asked for the surveyor, who was hired by Paulsens', to mark the boundary line according to his survey. Appellants spoke with the Paulsens in Appellants' backyard and told the Paulsens we would abide by the surveyor's findings and would not object to the backyard fence being moved if the Paulsens did actually own a portion of our property. Eventually the Paulsens' surveyor came out to the premises and marked the boundary line. He advised Appellant, Annette Faraglia, that, contrary to what she and Mark Levinson had been told by Jon Paulsen, the existing backyard fence was indeed in the correct location and that the Paulsens did not own any portion of Appellants property. Needless to say, Appellants were relieved to learn this information from the surveyor, and the Appellants *assumed* that the Paulsens would contact them about the surveyor's findings and apologize for giving them incorrect information. This did not happen so Mark Levinson contacted Jon Paulsen. Mr. Paulsen

sent Mark Levinson an email on September 14, 2022 stating that the surveyor had made a mistake in the original representation of the old fence. Appellants mention this because Appellants believe that incident with the backyard fence is directly related to what is happening now.

Returning to Appeal No. 23-012, the last straw in this saga was when Appellants saw the ten-foot metal fence going up in late January 2023 and Appellants were told by the Contractor's workers that they had been instructed not to talk to the Appellants about the metal fence. Considering that the fence was at the property line and the workers were often on our property, without permission, this was totally unreasonable and unacceptable. However, the construction workers were obviously nervous and Appellants did not want to pressure them. The construction workers would sometimes speak to Appellants but only if the Paulsens were not at home. This was a very stressful situation for workers and for us. Appellants did contact Mr. Wooley to obtain information about the ten-foot metal fence. Mr. Wooley was polite and tried to be helpful. He was going to meet with us at the property but eventually said, that since he worked for the Paulsens, he was not comfortable meeting Appellants at the site or speaking with them about the fence.

Appellants did not want to file an Appeal or submit this Brief. They wanted to reach a reasonable compromise. However, when all offers of compromise were rejected Appellants saw no alternative but to make this filing. Appellants respectfully request that the ten-foot metal fence be lowered to six feet so that it will not block Appellants' window or be visible from the inside of Appellants' home. Thank you for your consideration in this matter.

By: Annette Faraglia and Mark Levinson, April 18, 2023

Exhibit A:

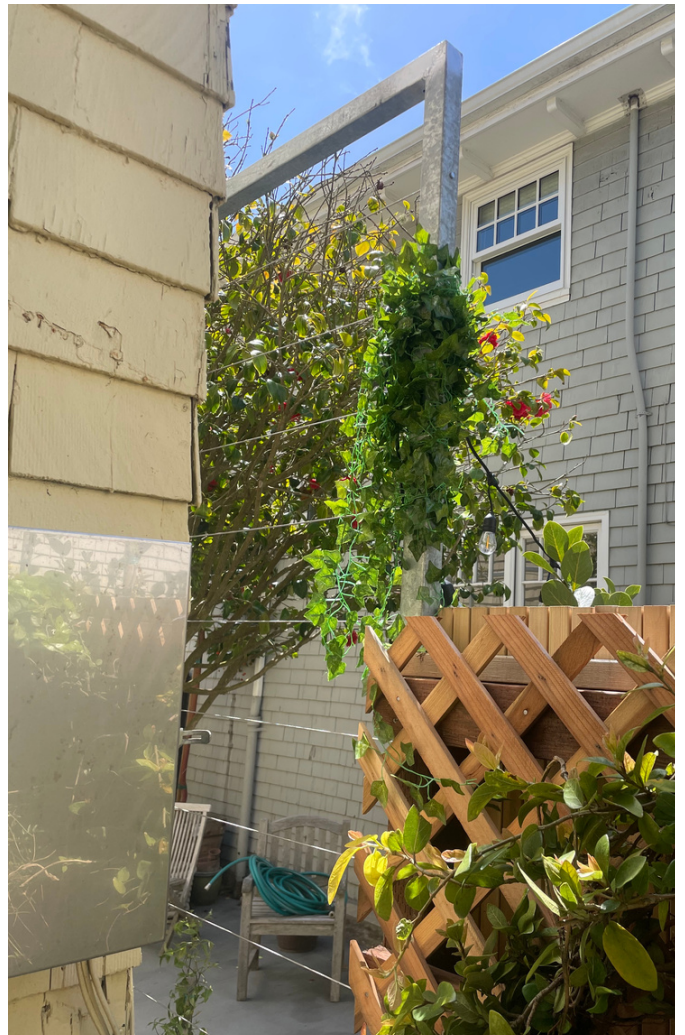
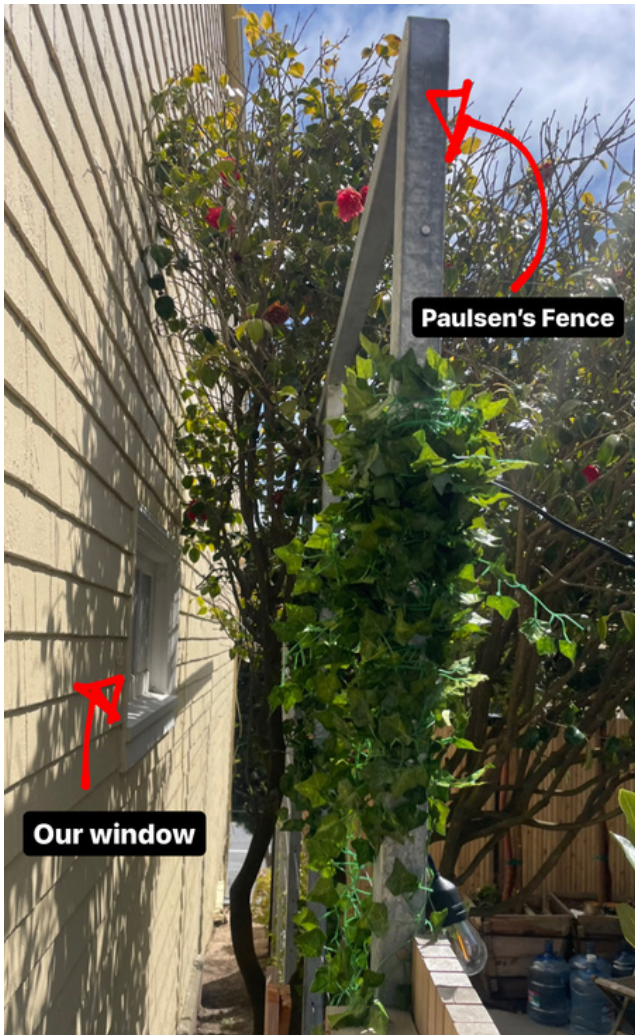


Exhibit B:



Exhibit C:



Exhibit D:



Exhibit E:



Exhibit F:



Exhibit G:



BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

NEW YORK
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SINGAPORE
PHILADELPHIA
CHICAGO
WASHINGTON, DC
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MYANMAR

ALLIANCES IN MEXICO

May 4, 2023

Commissioner Rick Swig
President, Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103
boardofappeals@sfgov.org

Re: Appeal No.: 23-012
Appeal Title: Levinson v. DBI, PDA
Subject Property: 1462 Lake Street
Permit Type: Alteration
Permit No.: 2023/02/23/2472

Dear President Swig:

This office represents Jon and Polly Paulsen (the “Paulsens”), owners of the single-family home located at 1462 Lake Street (the “Property”). The Paulsens began renovating and landscaping their rear and side yards, including but not limited to replacement of an existing dilapidated 6’ solid wood fence along their west and east property lines, as well as replacement of an entrance gate/fence facing Lake Street under a lawfully issued permit #202201286947 (“2022 Permit”).¹ The landscaping work on the side yard, including the staircase to the entrance of the Paulsens’ home and removal and replacement of the concrete paving, was completed by the end

¹ The work under the 2022 Permit was virtually completed by end of January 2023.

Commissioner Rick Swig
May 4, 2023
Page 2

of December 2022/beginning of January 2023. See **Exhibit 1** for photographs of the completed work taken on May 3, 2023.

Sometime in January 2023, the Paulsens' contractor began construction of a 10' high metal fence with thin wire cables between 2" x 2" metal poles along the east common property line the Paulsens share with appellants Mark Levinson and Annette Faraglia ("Appellants"). This was not included in the 2022 Permit. When notified by the Department of Building Inspection ("DBI") that a complaint had been filed against them for doing work in excess of the 2022 Permit, the Paulsens immediately conferred with their contractor – the construction contract required all work to be performed under an issued permit by DBI – and the contractor submitted Alteration Permit Application # 202302232472 for the 10' high metal fence ("Cable Fence") on February 23, 2023. See **Exhibit 2** for a copy of the issued permit application for the 10' high metal fence submitted on February 23, 2023 and issued on March 10, 2023.

On March 21, 2023, Appellants appealed the issued alteration permit to the Board of Appeals (the "Board"), claiming that the new fence blocked light to their 42" wide and 14" high dining room clerestory window (the "Window") and demanded that the Cable Fence be lowered to 6 feet (the "Appeal"), even though no part of the Cable Fence, including the cable wires are in front of the Window. In their Appeal, Appellants also include incorrect allegations of damage to their property during the Paulsen's landscaping work under the 2022 Permit, which are not within the scope of this Appeal before this Board. The Paulsens have lived at the Property for 26 years

Commissioner Rick Swig
May 4, 2023
Page 3

and have had no other disputes during the 17 years Appellants have lived next door. For the reasons discussed below, this Appeal is devoid of merit and should be denied by this Board.

PROJECT SITE

The Property is a rectangular corner site with 72' street frontage on 16th Avenue and 39.25" street frontage on Lake Street, and is located in an RH-1 zoning district. The Property is improved with a two-story single-family home located in the southwestern portion of the Property. A 9'- 9 ½" wide side yard runs along the east property line, which is a common property line with Appellants' property. The east property line fencing consists of a solid 6' high wood fence approximately 30'-6 ¾" in length that begins at the northeast corner of the Paulsens' lot and ending across the northwest corner of Appellants' home (the east façade of Appellant's home is approximately 18" from the common property line). The Cable Fence at issue before this Board is a continuation of the solid wood fence located in the rectangular area colored in red of the approved plans designed to preserve light to Appellants' window. See **Exhibit 3** for the approved plans for the Cable Fence; see **Exhibit 4** for a photograph of the fencing along the east property line. Beyond the Cable Fence and the Lake Street front property line, there is no fencing between Appellants' and the Paulsens' Property. There is a 6' solid wooden fence and gate perpendicular to the Cable Fence that provides privacy to the side yard that is part of Paulsens' usable open space. The gate opens to a landing leading to stairs down to Lake Street. See **Exhibit 1**.

Commissioner Rick Swig
May 4, 2023
Page 4

ISSUE RAISED BY APPELLANTS

The *only* issue before the Board is whether the approved 10' high Cable Fence casts new significant shadows on Appellants' Window.

THE APPEAL IS WITHOUT MERIT

The Project before this Board is the construction of the 10' high Cable Fence, which is located partially in front of Appellant's Window. The Cable Fence at issue is approximately 24'-6" in length and consists of five 10-foot high 2" x 2" metal poles with thin horizontal cable wires that are spaced approximately 6" to 8" apart on Paulsens' and Appellants' common north-south side property line. The Cable Fence also has a 2" x 2" metal beam across the top. To support their allegation that the Cable Fence casts shadows on the Window, Appellants attached two photographs that purport show the top of 2" x 2" horizontal beam is level with the top of the Window. This is not the case. The discussion below accurately describes the relationship between the Cable Fence and the Window.

Directly in front of the Window is a large evergreen camellia bush located on Appellants' property and overhanging the Paulsens' property and the Cable Fence. See **Exhibit 5** for photographs of the Cable Fence, Window and camellia bush taken from the Paulsens' kitchen window, which is directly across from Appellant's Window, and pictures taken from either side of the camellia bush. The Cable Fence is built entirely on the Paulsens' side of the common property line and is located approximately 18" from the east facade of Appellant's home. Two of the metal poles are spaced on either side of the Window so that no portion of the poles are in front of the

Commissioner Rick Swig
May 4, 2023
Page 5

Window, and the 2" x 2" top beam is actually 18" above the top of the Window. The Paulsens had planned on adding climbing vines on the Cable Fence. When Appellants objected to the use of vines, the Paulsens removed the vines and added fake ivy to cover the metal poles and top beam. Additionally, the Paulsen took great care to be sure that there would be no horizontal cables above the Window sill. See **Exhibit 3**.

The photographs in Exhibit 3 demonstrate clearly that sunlight to the Window is already and almost completely blocked by the large camellia bush that is taller than the Cable Fence and stretches well beyond the full width of the Window. The Cable Fence does not block light to the Window. As described above, there are no cable wires in front of the Window and the vertical poles are spaced so that they are on either side of the Window. Furthermore, even if the cross cables did cast minimal shadow on the Window, it would be on the existing shadow cast by Appellants' camellia bush, shadow on shadow.

Appellants' *only* complaint is that the Cable Fence blocks their light. The alleged damage to Appellants' property during construction of work under the 2022 Permit is nothing but a red herring – an attempt to support a meritless appeal that the Cable Fence blocks light to the Window. Those allegations are irrelevant and were never raised by Appellants to the Paulsens and there was no complaint to DBI about damage to their building during construction of any work under the 2022 Permit. Contrary to Appellants' assertion, there was no damage to Appellants' property from the work under the 2022 Permit. See **Exhibit 1**.

Commissioner Rick Swig
May 4, 2023
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CONCLUSION

Appellants claim that the Cable Fence blocks light to a clerestory Window that is almost completely shaded by existing shadows cast by their own camellia bush. Any new shadow cast by the Cable Fence on the window would be minimal, if any. Therefore, this Board should deny the appeal and affirm the approval of Permit Application # 202302232472 and issuance of Permit No. 23036198.

Very truly yours,

B. Alexandra Jones

Exhibits

CC: Commissioner Jose Lopez
Commissioner Alex Lemberg
Commissioner John Transviña
Commissioner J.R. Eppler
Julie Rosenberg
Alex Longaway
Tina Tam
Corey Teague
Mark Levinson and Annette Faraglia
Jon and Polly Paulsen
File

EXHIBIT 1





EXHIBIT 2

APPROVED
Dept. of Building Insp.
- San Francisco -

MAR 10 2023

PATRICK O'NEILL
INTERIM DIRECTOR
DEPT. OF BUILDING INSPECTION

APPROVED FOR ISSUANCE

BLDG. FORM 3/8

APPLICATION NUMBER

OSHA APPROVAL REQUIRED
APPROVAL NUMBER

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HERewith AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED 3/23/2023	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 1462 Lake St	BLOCK & LOT 1343/009
RECEIPT NO. 22336198	ISSUED 3/10/23	(2A) ESTIMATED COST OF JOB \$4,000	(2B) REVISED COST: \$4,000 DATE: 2/23/23

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. Landscapes	(5A) NO. OF STORIES OF OCCUPANCY: 2	(6A) NO. OF BASEMENTS AND CELLARS: 0	(7A) PRESENT USE: Residential SFD	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS: 1
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. Landscapes	(5) NO. OF STORIES OF OCCUPANCY: 2	(6) NO. OF BASEMENTS AND CELLARS: 0	(7) PROPOSED USE (LEGAL USE) Residential SFD	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS: 1
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>
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(14) CONTRACTOR Adam Woolley	ADDRESS 247 Theresa St	ZIP 94112	PHONE 627#931447	CALIF. LIC. NO.	EXPIRATION DATE
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(15) OWNER - LESSEE (CROSS OUT ONE) Jon & Jolke Paulsen	ADDRESS 1462 Lake St	ZIP	BTRC#	PHONE (FOR CONTACT BY DEPT.)
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
Adding a cable fence on the property 10' FENCE

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN <input checked="" type="checkbox"/> CONSTRUCTION <input type="checkbox"/> Ive Hauseland	ADDRESS 1306 Bridgeway Blvd, Suite A	CALIF. CERTIFICATE NO. LA #4784
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(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") UNKNOWN	ADDRESS
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IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6"0" to any wire containing more than 750 volts. See Sec 385, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
 OWNER
 LESSEE
 CONTRACTOR

ARCHITECT
 AGENT
 ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- () I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____
- () III. The cost of the work to be done is \$100 or less.
- (X) IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent

Date

2/23/23

CONDITIONS AND STIPULATIONS

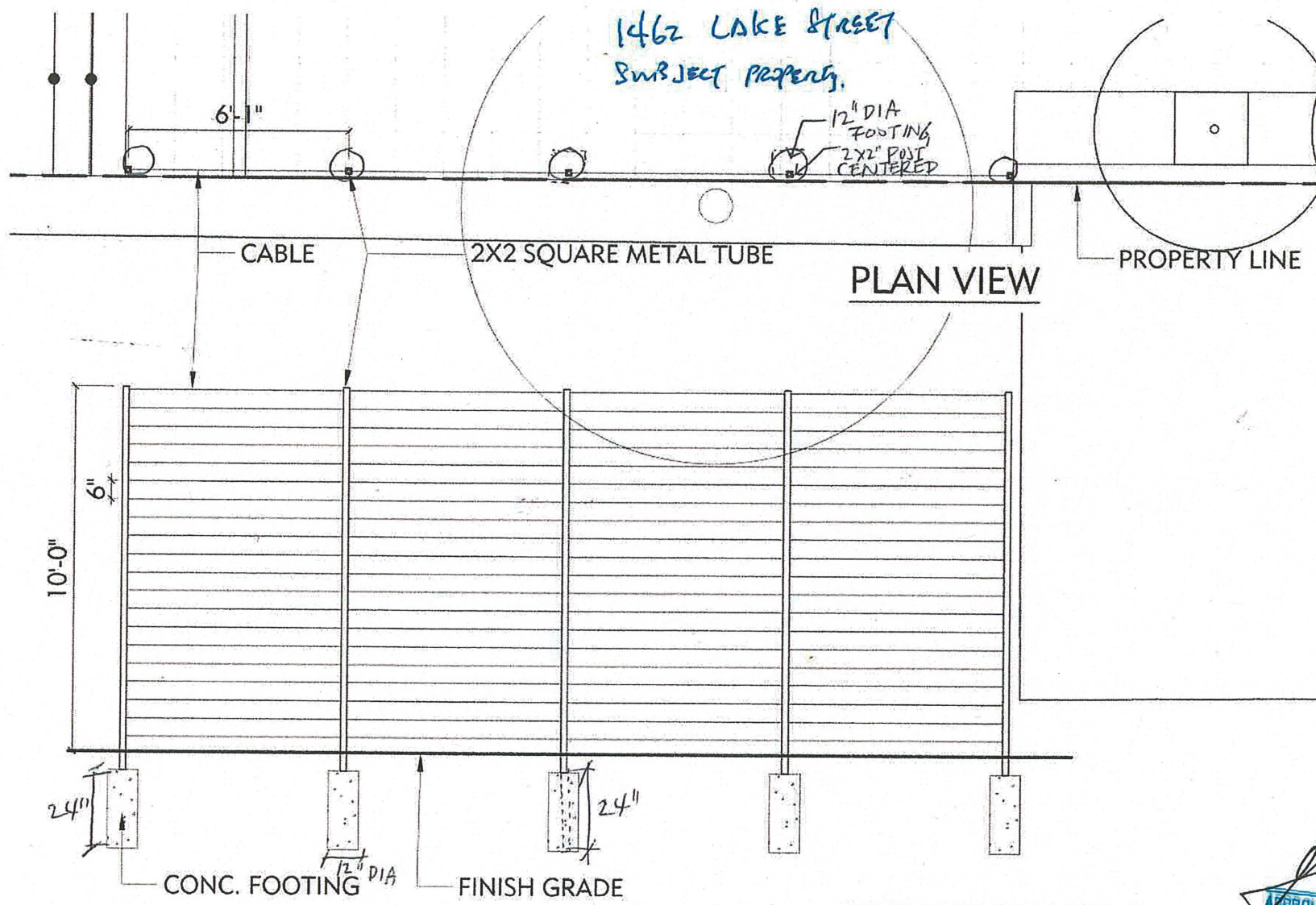
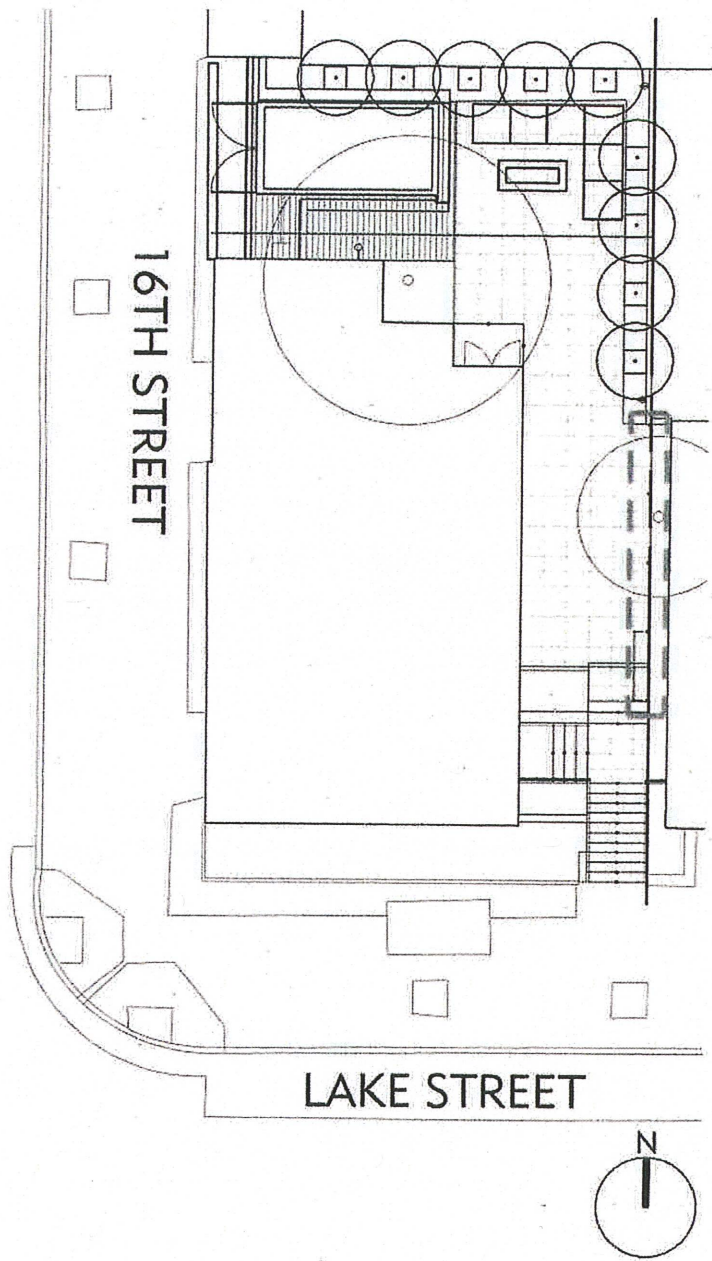
REFER TO: <input type="checkbox"/>	APPROVED: _____ HOUSING INSPECTION DIVISION, DEPT. OF BLDG. INSPECTION	DATE: <u>2/23/2023</u> INSPECTOR: <u>JOE NG</u> <u>O.K. to process</u> BUILDING INSPECTION DIVISION
<input checked="" type="checkbox"/>	APPROVED: <u>the construction of 10' cable rail fence along east property line, outside front setback.</u> DEPARTMENT OF CITY PLANNING	DATE: _____ INSPECTOR: _____ FEB 23 2023 ELECTRICAL INSPECTION DIVISION
<input type="checkbox"/>	APPROVED: _____ PLAN REVIEW SERVICES, DEPT. OF BLDG. INSPECTION	DATE: _____ INSPECTOR: _____ FEB 23 2023 PLUMBING INSPECTION DIVISION
<input type="checkbox"/>	APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ INSPECTOR: _____ CODE ENFORCEMENT SERVICES
<input type="checkbox"/>	APPROVED: _____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ INSPECTOR: _____
<input type="checkbox"/>	APPROVED: _____ SAN FRANCISCO FIRE DEPARTMENT	DATE: _____ INSPECTOR: _____
<input type="checkbox"/>	APPROVED: _____ SF DEPARTMENT OF PUBLIC WORKS / MAYOR'S OFFICE OF DISABILITY (CROSS ONE OUT)	DATE: _____ INSPECTOR: _____
<input type="checkbox"/>	APPROVED: _____ SF PUBLIC UTILITIES COMMISSION	DATE: _____ INSPECTOR: _____
<input type="checkbox"/>	APPROVED: _____ DEPT. OF PUBLIC HEALTH / OCII (CROSS ONE OUT)	DATE: _____ INSPECTOR: _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

OWNER'S AUTHORIZED AGENT

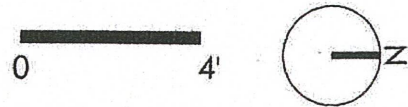
EXHIBIT 3



ALL WORK SHALL BE DONE W/ THE
 SUBJECT PROPERTY. NO ENCROACHMENT
 ALLOWED
 Vivian Huang, DBI

FEB 23 2023

ELEVATION VIEW



[Signature]
 APPROVED BY GABRIELA PANTOJA
 FEB 23 2023
 PLANNING DEPARTMENT

DETAIL

CABLE RAIL FENCE

1462 Lake
 147 LAIDLEY STREET
 SAN FRANCISCO
 FEBRUARY 17, 2023

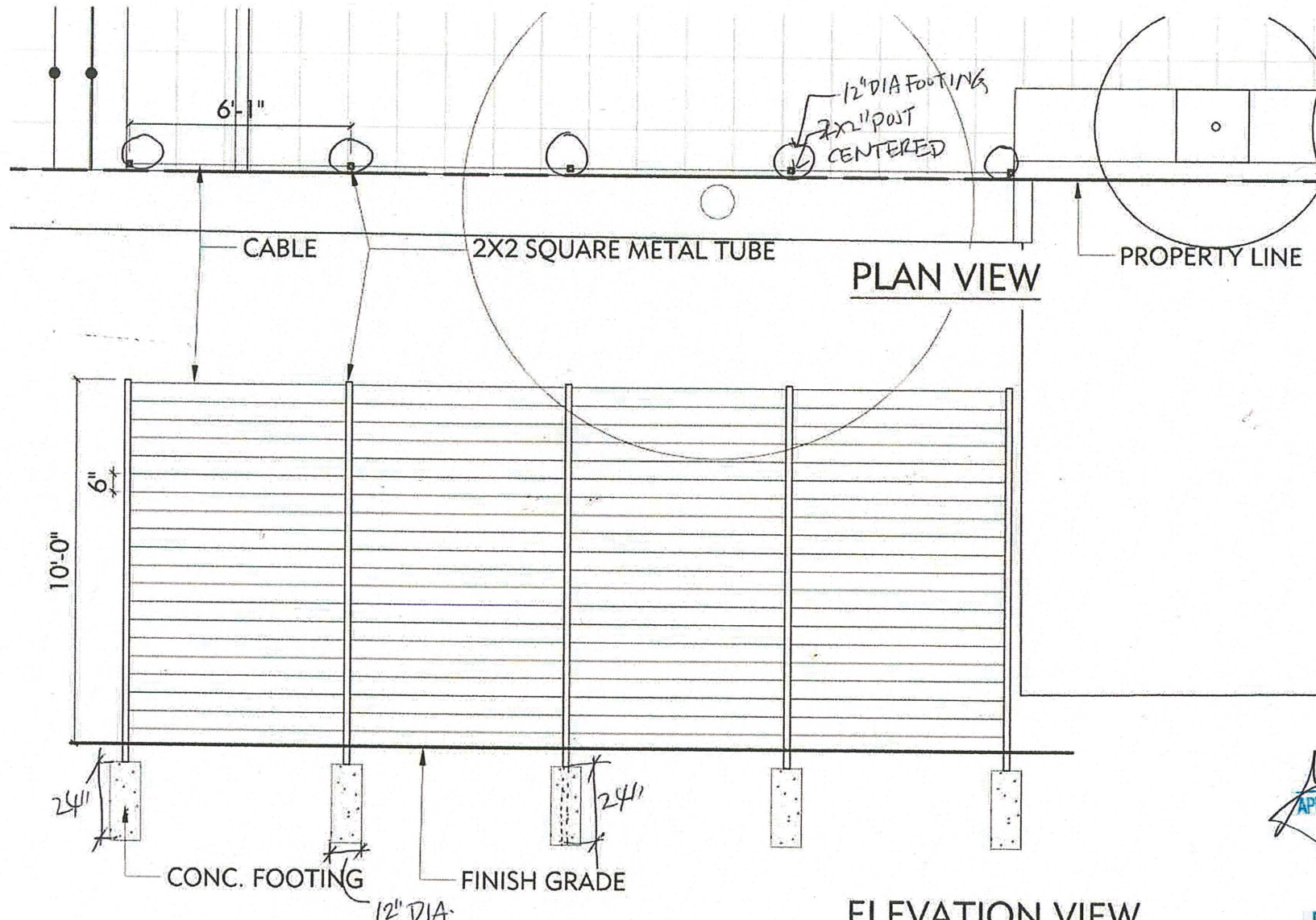
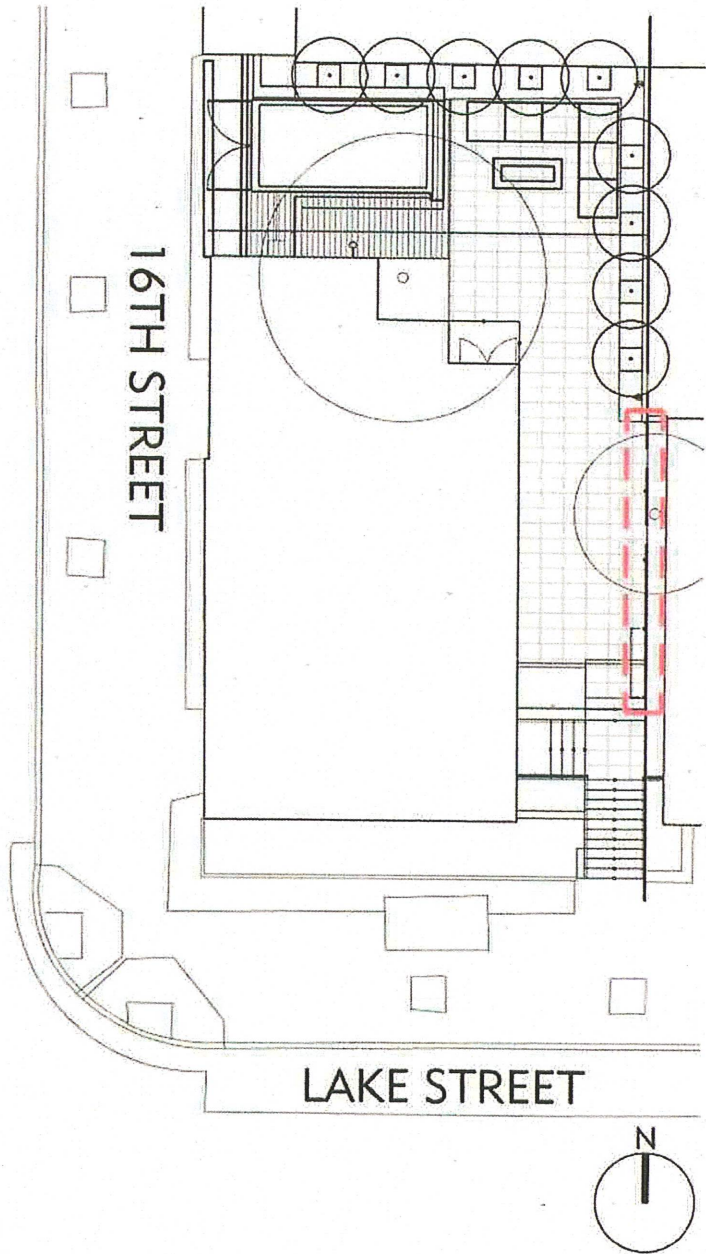
SCALE: VARIES

RECEIVED
 FEB 23 2023
 DEPT. OF BUILDING INSPECTION
 THIS PLAN MEETS THE QUALITY
 STANDARD FOR DIGITIZING
 ACCEPTED *[Signature]*

LICENSED LANDSCAPE ARCHITECT
 Vivian Huang
 Signature
 1/31/25
 Renewal Date
 2/07/23
 Date
 STATE OF CALIFORNIA

1462 LAKE ST
 2472 2472
 0223 2472
 2023

1462 LAKE STREET
SUBJECT PROPERTY.



ALL WORK SHALL BE DONE W/
THE SUBJECT PROPERTY. NO ENCROACHMENT
ALLOWED
Vivian Huang, DBI

FEB 23 2023

APPROVED BY GABRIELA PANTOJA
FEB 23 2023
PLANNING DEPARTMENT

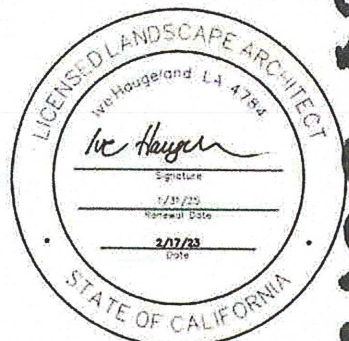
DETAIL

CABLE RAIL FENCE

1462 Lake
147 LAIDLEY STREET
SAN FRANCISCO
FEBRUARY 17, 2023

SCALE: VARIES

RECEIVED
FEB 23 2023
DEPT. OF BUILDING INSPECTION
THIS PLAN MEETS THE QUALITY
STANDARD FOR DIGITIZING
ACCEPTED



15 2117 1462 LAKE ST
2472 2223 2472

Project Address

1462 Lake st.

Building Permit Application Number

2023 0223 2472

Contact Information (include all)

First & last name I/e Hameland / Wenpei Wang

Email address I/e@shadesfgreenla.com

Phone number 415-332-1485

PC

Applicant Role

- | | |
|---|--|
| <input type="checkbox"/> Agent | <input type="checkbox"/> Engineer |
| <input type="checkbox"/> Architect | <input type="checkbox"/> Lessee |
| <input type="checkbox"/> Attorney in fact | <input type="checkbox"/> Owner |
| <input type="checkbox"/> Contractor | <input type="checkbox"/> Permit consultant |
| <input type="checkbox"/> Other | |

Routing

- Planning: General Historic Preservation
- Building: No plans permit
- Building: Non-structural Building: Structural
- Mechanical Electrical
- Fire
- Public Works
- Public Utilities Commission
- Public Health
- Development Fee Collection Unit
- Office of Community Investment & Infrastructure
- Payment

Complaints or Violations

- Yes No Date: 2/23/23 PT MLU
- Building Inspection Code Enforcement
 - Electrical Inspection Housing Inspection
 - Plumbing Inspection Disabled Access

EXHIBIT 4

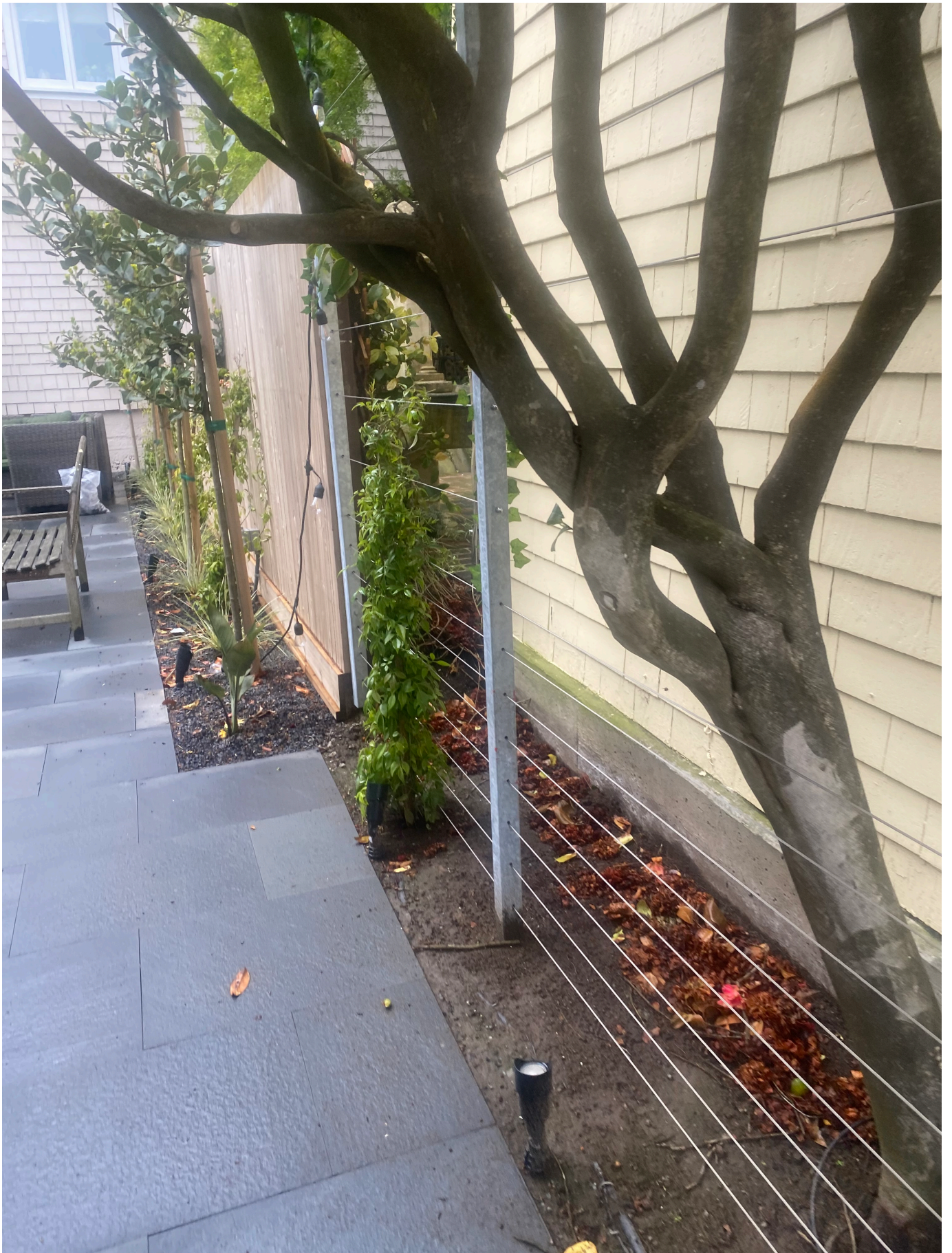


EXHIBIT 5

